

Previous references.

PP 162-18(9-15). 1927-28

File No. 53-19

Serial Nos. 23, 24, 27,
30, 33, 37 + 39

Later references.

NO 4-20(7+10)
u 11-20(11+14)
NO 66+67)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Sixteen

Part B for *Acq. 20*

SUBJECT:

Enemy property in the State

23) From the F.A. Resident in Mysore. 4398 of 19/5/20

Forward copy of N-1505 of 28/4/20 from the
Govt of India for information & action

39) To the Custodian of Enemy Property
73121 of 7/8/20

For serial N-37 in continuation of 24

12/8/20

1919.

GENERAL AND REVENUE SECRETARIAT.

(P.P.)

NOTES.

File No. 53. 19.

FILE HEADING.

Enemy Property in the State.

From

The F. A. Resident in Mysore.

No. 4398

Dated 19. 5. 1920

Received 19. 5. 1920.

Diary No. 19668

Enclos. / Spare Copies. —

Serial No. 23.

BRIEF ABSTRACT OF LETTER.

Forwards copy of letter no. 1505 of 28. 4. 1920 from the Govt. of India Department of Commerce, for information and necessary action.

NOTES AND ORDERS.

Subd. with two drafts.

Ans.
21.5.20.

chief Secy)

2) For personal by the Secy

MK
21/5

3) Issue

copy
196
MK
4/6

Serial
No.

24

20

The Revenue Commissioner & Custodian
of Enemy Properties in Mysore
No. G 27149 D 9.6.20.

Yds for information a copy of letter
refto in sl 23 and requests him to submit
a report to Govt Classifying such —
Properties, notes in him from time to time
and requests ^{to be furnished with} his proposals to the Govt of
Cases which may be disposed of by him.

27

To The First A. Resident.

Pol. 1312 D 15.6.1920

Requests him to send another copy
of letter no 1505 of 28.4.1920 per the
Secy to Govt of India. Dept of Commerce

28

From the First Assistant Resident
No. 4977 dated 10th June 1920
Forwards a ^{2nd} copy of letter
No. 1505 dated 28th April 1920
from the Secretary to the Govt. of
India in the Department of Commerce
(5) Submitted for perusal
work (6) The reply per the
17-6-20 Rev Com^r to sl 24 may
be awaited - 7) See

(17/6 as per)

mx
17/6

SECRET
II
POLITICAL BRANCH
12 JUN. 1920

SECRET
II
POLITICAL BRANCH
12 JUN. 1920
NOTE—Contd. sheet.

Serial
No.

30

From Revenue Commissioner
and Custodian of Enemy
Property in Mysore.

No. C 4725/Gl 19-20 dated
14/16 June 1920 -

Stating that there are no
cases of property belonging to
"non-enemy nationals" vested
in him and requesting for in-
structions as to the disposal
of certain properties re.

Submitted with a draft.

MSH

23-6-20-15

June

1920

15/6

33.

To the Rev Comd and Custodian Enemy Property

No G 28423 of 29-6-20.

With ref to sl 30 states that
the two Bungalows at Mudermuke
are vested in the Custodian of
enemy properties in Madras.

CHIEF SECRETARIAT
IN
POLITICAL BRANCH
7-JULY-1920

Serial
No.

37

From
The Joint-Assistant Resident
No 6572 of 21/7/20 Recd 31/7
Forwarding for information
copies of certain letters
from the Govt. of India & Govt.
of Burma re payment
of claims of Non-enemy
subjects.

Subd with a draft to
The Custodian of Enemy
Property.

2/8/20

Inme
ms
4/8/20

39

To the Custodian of Enemy Property
No G 8121 of 7.8.1920.

Also copy of 26.37 in continuation of 26.2

CHIEF SECRETARY
POLITICAL BRANCH
9. AUG. 1920

Enclosure:- One

MYSORE RESIDENT'S OFFICE,

Bangalore,

19th May 1920

No.

4398

aur

CHIEF SECRETARIAT
II
POLITICAL BRANCH. I
19 MAY 1920

19668

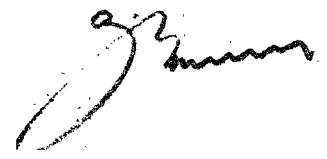
PP 53 19-23

A copy of the marginally* noted letter, with enclosure, is forwarded,

No. 1505 dated 28-4-20

from the Government of
India, Department of Commerce

with compliments, to the Chief Secretary to
the Government of H. H. the Maharaja of
Mysore, for such action as may be considered
.....necessary.



First Assistant Resident.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

FROM

The HON'BLE MR. C. A. INNES, C.I.E., I.C.S.,
Secretary to the Government of India, Department of Commerce,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT
 OF BOMBAY,
 REVENUE DEPARTMENT.

THE SECRETARY TO THE GOVERNMENT OF BENGAL,
 COMMERCE DEPARTMENT.

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
 REVENUE (SPECIAL) DEPARTMENT.

THE CHIEF SECRETARY TO THE GOVERNMENT OF
 BURMA.

THE CHIEF SECRETARY TO THE GOVERNMENT OF
 BIHAR AND ORISSA.

THE SECRETARY TO THE GOVERNMENT OF THE
 UNITED PROVINCES,
 INDUSTRIES DEPARTMENT.

THE FINANCIAL SECRETARY TO THE GOVERNMENT
 OF THE PUNJAB.

THE CHIEF SECRETARY TO THE HON'BLE THE
 CHIEF COMMISSIONER, CENTRAL PROVINCES.

THE CHIEF SECRETARY TO THE HON'BLE THE CHIEF
 COMMISSIONER OF ASSAM.

THE HON'BLE THE CHIEF COMMISSIONER AND AGENT
 TO THE GOVERNOR GENERAL, NORTH-WEST
 FRONTIER PROVINCE.

THE CHIEF COMMISSIONER OF DELHI.

THE HON'BLE THE AGENT TO THE GOVERNOR GENERAL
 IN RAJPUTANA.

THE HON'BLE THE RESIDENT IN MYSORE AND
 CHIEF COMMISSIONER OF COORG.

THE HON'BLE THE AGENT TO THE GOVERNOR GENERAL,
 AND CHIEF COMMISSIONER IN BALUCHISTAN.

Simla, the 28th April 1920.

SIR,

I am directed to address you on the question of the disposal of the property of non-enemy nationals now held by the Custodians of Enemy Property. Such property may be divided into four classes—

- (1) Funds realised under Act XIV of 1915 or under Act X of 1916 or under the Hostile Foreigners Trading Order, 1914, and vested

under section 7 of Act X of 1916 in the Custodian. Under section 7 (5) of Act X of 1916 such property is to be dealt with by the Custodian in accordance with such directions as he may receive from the Governor General in Council.

- (2) Sums realised under section 4, 5 or 13 of Act XIV of 1915, but for some reason not vested in the Custodian. Under section 9 (1) of the Act this money is to be dealt with by the Custodian in accordance with such directions as he may receive from the Governor General in Council.
- (3) Moneys received by a Liquidator of Hostile Firms under the enemy Trading (Winding up) Order, 1916. Under section 30 of the Order any balance remaining in the hands of the Custodian should be dealt with by him as the Governor General in Council may direct.
- (4) Any sums realised under the Hostile Foreigners Trading Order and not yet vested in a Custodian, which under section 6 (4) of the Order may be dealt with in such manner as the Local Government may from time to time direct.

2. I am to point out that up to the present only the German Peace Treaty has been ratified but nevertheless this fact need not prevent Government ordering the restitution of property of non-enemy nationals which was vested or liquidated on account of a presumed Austrian, Bulgarian or Turkish connection. Restitution, however, should not be ordered in doubtful cases prior to the ratification of the treaties (*e.g.* in the cases of persons claiming nationality in States which may be created under treaties still unpublished or unratified). The first step which a Custodian should take is to divide all the assets in his hands into two entirely distinct portions, one of which is to be placed at the disposal of the clearing office and the other to be distributed direct to its owners by the Custodian. I am to attach a copy of a note of advice to Controllers of local clearing offices, which has been received from the India Office, and to say that, as soon as a local Clearing Office is established in India, the Government of India propose to issue instructions to the Controller on the same lines. The note very clearly defines the only classes of cases which will be dealt with by the Clearing Office, and in light of it and of sections 296 and 297 of the Peace Treaty, Custodians should at once proceed to distinguish that portion of the assets in their hands which should be placed at the disposal of the Controller. Special attention is invited to paragraph 21. It is the business of Custodians to distribute direct all assets belonging to non-enemy nationals which will not fall within the sphere of the Clearing Office. The term "non-enemy nationals" is intended to include nationals of the British Empire, whether born as such or naturalised, persons who since August 3rd, 1914, have been nationals of States which have not been engaged in hostilities with His Majesty, and persons who since August 3rd, 1914, have been nationals of States engaged in hostilities with His Majesty, but have since become nationals of States which have not since August 3rd, 1914, been engaged in such hostilities, in consequence of the provisions of the Peace Treaties.

3. To the classes of non-enemy nationals enumerated above the Governor General in Council authorises Custodians to refund any property vested in them or held by them to be dealt with as Government may direct. Such repayments should be made by the Custodian under the general orders of the Local Government. But I am to request that the following instructions should ordinarily be observed:—

- (a) The Custodians should be directed to satisfy themselves by such evidence as seems reasonable in each case of the nationality of any person claiming a refund. In the case of persons claiming nationality in the new States of Czecho-Slavokia, Poland or habitual residence in parts of Germany now added to Belgium, France or Denmark, special caution should be exercised in examining the proofs of nationality, and ordinarily a certificate of the newly acquired nationality certified by a competent authority of the new Government and

vised by a British Consul or Ambassador should be insisted on. In other cases it does not seem practicable to prescribe the nature of the evidence which should be required. A British subject will usually be in a position to produce his birth certificate or a certificate from a local magistrate, or, if a naturalised subject, a certificate of naturalisation. Subjects of allied or neutral States should produce such evidence as is practicable under the local laws of each State, and where any doubt is felt, the vise of the British Consul might be required. In cases where hostile foreigners claim to have acquired the status of non-enemy nationals, care should be taken to see that they have also been released from their hostile nationality in such cases where release is necessary. I am to enclose a form of specimen questions for the guidance of Custodians in enquiring into questions of nationality.

- (b) A form of application by non-enemy nationals for restitution of property is enclosed herewith. This form should be certified by the applicant and should be required in all cases. In cases where the lists submitted contain assets which have never been either vested or realised, the Custodian should inform the applicants that they must make their own arrangements for recovering their property. In cases where the ownership of assets is disputed, Custodians will ordinarily be well advised to pay the money into Court as the subject of an inter-pleader suit under Civil Procedure Code Order XXXV, but should be authorised on demand to supply any of the claimants with a copy of the statement of account.
- (c) The amount payable to the claimants should be the net proceeds of the sale or liquidation of their assets, less the expenses of liquidation, as prescribed in Mr. Hardy's letter No. 2877-D., dated March 7th, 1918. At present, except in cases where interest or dividends have accrued on the property while it was in the Custodian's hands, no amounts on account of interest should be paid over to the owners. Further orders will issue on the subject of interest on receipt of further directions from the Secretary of State.
- (d) All applications for restitution should be submitted within twelve months of the date of the ratification of the German Peace Treaty, and provision should be made for an appeal against any order of the Custodian within three months to the Local Government.
- (e) Special attention is invited to paragraphs 22-25 of the note of advice to Controllers. Companies of which the head offices are in Germany are German nationals. Shares or debenture certificates in such companies held by non-enemy nationals should be handed back to them. In cases where any assets belonging to such companies are held by the Custodian the whole of such assets should be placed at the disposal of the Clearing Office and no payments thereon should be made by the Custodian. (Article 296(e) of the Peace Treaty).

4. I am to request that, when the Custodians have divided the assets in accordance with the instructions in paragraph 2, a report may be made to the Government of India stating (a) what amount has been placed at the disposal of the clearing office and (b) what amount will be disposed of by them directly.

I have the honour to be,

SIR,

Your most obedient servant,

C. A. INNES,

Secretary to the Government of India.

No. 1506.

In duplicate with a copy of notes.

A copy of correspondence² is forwarded
to the Finance Department.

By order, etc.,

A. K. SARKAR.

Assistant Secretary to the Government of India.

ADVICE TO CONTROLLERS OF LOCAL CLEARING OFFICES.

1. The Authority for establishing Local Clearing Offices is to be found in paragraph 1 of the Annex to Article 296, which provides that they "may perform all the functions of a Central Clearing Office," with the sole restriction that "all transactions" with Germany shall be through the Central Office.

As it will devolve upon the Central Office to include the claims of the Local Office in its monthly accounts, it is important that the practice of both offices should be assimilated as far as possible. It is hoped that Controllers may find the following observations of assistance to them in the attainment of this object.

2. The principal functions of a local Clearing Office will be to investigate claims by and collect debts due to German nationals and to prepare accounts for submission through the Central Office to the German Clearing Office. It will be the duty also of the Controller to furnish the Central Office with detailed particulars of all German property, rights and interests within his jurisdiction and later to realize and account to it for the proceeds of liquidation.

3. The organization required for the discharge of these duties will vary according to the circumstances of each office and will be dependent upon the volume of the work with which it will have to deal. Where it is likely to be inconsiderable and the Custodian or other existing authority is appointed Controller he will doubtless find it possible to discharge his combined duties without any additional organisation. In any case, inasmuch as the approved expenses of his office will be chargeable to general fund he should forward the estimate of his expenditure for approval to the Colonial Office.

4. The first and most important point for consideration by the Controller is the nature of the obligations which may be preferred through the Clearing Office, in compliance with the provisions of the paragraphs numbered 1, 2, 3 and 4 in article 296. Numbers 1 and 2 deal with claims against individuals, numbers 3 and 4 against the German Government. The latter need no explanation but as to the former two difficulties present themselves namely :—

- (1) The nature of the claim which may be preferred, and
- (2) The territorial qualifications.

5. With regard to them, the following observations may be useful :—

Article 296 provides that certain classes of pecuniary obligations described in the first two numbered paragraphs as "debts" shall be settled through the intervention of the Clearing Office. The word "debts" is nowhere defined in the Treaty and is capable of a variety of construction. In general, it is used in a somewhat limited sense, though the dictionary definition is "that for which payment is liable to be exacted" and it is therein stated to be synonymous with "obligation and liability" (Webster). The construction which the Central Office has decided to adopt is any liability which is capable of assessment by the Creditor under a contract or obligation subsisting on the 4th August 1914, and which became payable on or before the 10th January 1920.

6. The territorial limitation imposed by paragraphs 1 and 2 restricts claimants to those "residing within" the territories of Opposing Powers. Residence has been interpreted by the English Courts as something more than the mere accident of locality and to denote some degree of permanent habitation. It should be noted that no residential restriction is imposed upon claimants under paragraphs numbered 3 and 4 and that claims thereunder may therefore be preferred by British nationals wherever resident.

7. The material date of residence of Debtor and Creditor is the day on which the Treaty of Peace was ratified (10th January 1920) and not the date when the debt became payable. German territory therefore is that defined by the Treaty of Peace, and claims cannot be preferred through the Clearing Office against residents in those parts of the former German Empire which were detached from it by the terms of the Treaty.

8. It is conceded that the above definitions may be contested by the Controller of the German Clearing Office, in which case it will be open to the

2

claimants to take the matter before the Mixed Arbitral Tribunal, or it may be considered desirable for the Central Office itself to present the case, but pending a decision upon the point, local Controllers are invited to adopt the interpretation favoured by the Central Office.

9. It is considered desirable that all claimants whose debts exceed £5 should be required to verify their claims by Statutory Declaration and the form of proof, a print of which is sent herewith marked "A," should be used by the Controller with such variations as local circumstances may require. Where registration of claims has been enjoined, one of these forms, with a covering letter similar in substance to the one enclosed and marked "B" should be sent to each registered creditor, and an advertisement inserted in the local papers requiring those who have not registered at once to send in their claims. These claims, when received, should be examined, and if they come within the provisions of Article 296, and are in order as to form, a schedule of them should be prepared on form "C," and at certain intervals, say once a month, two copies of this schedule *together with three copies of the detailed account in support of each claim* should be forwarded to the Central Office for presentation to the German Clearing Office. The declaration, or proof of claim, should however be retained by the local Controller. On receipt of notification from the German Office of the admission or rejection of these claims, the Local Office will be at once advised, and those that are admitted will be paid, either out of funds provided by Germany under her Treaty obligation, failing which out of German assets in British Territory, either by the Head Office or by the Local Office as may be arranged. To save delay it is of the utmost importance that the copies of the Creditors' Accounts which accompany the schedule should give detailed particulars with dates and items. Of the three copies of the account, one will be retained by the Central Office for reference, and the other two forwarded to the German Clearing Office, one for retention by them and the other for the German Debtor, who cannot be expected to admit his obligation unless furnished with sufficient particulars of the claim. Failure to supply such particulars may therefore lead to a rejection of the claim by the German Clearing Office.

10. The disputed claims will be the subject of negotiation, and the objections put forward by the German debtors, which must be specified by the German Office, should be communicated by the local Controller to the Creditor, and if the latter persists in his claim his reply to the Debtor's objection should be at once forwarded to the Controller of the Central Office, who will transmit it to the British Agent at Berlin to endeavour to come to an arrangement with the German debtor.

11. It must be borne in mind that under paragraph 7 of the annex to Section III debts will become automatically admitted, unless within 3 months from the receipt of notification of the claim, notice is given to the debtor or creditor Clearing Office, as the case may be, that it is not admitted. In the case of Local Offices, this condition will, in many cases, be found impossible to comply with owing to the time occupied in postal transit, but the matter is being taken up with the German Controller and it is hoped to arrange with him an extension of time in the case of all Colonial Claims.

12. Only the capital sums due to creditors at the outbreak of war or, if the debt became payable at a later date, at the date when it became due, should be included in the schedule of claims sent in to the Central Office, as it will be for the German Office to calculate the interest thereon. This must necessarily be so, for the date to which interest is chargeable cannot be known to the creditor in advance, and is determined by the date of admission by the German Office. If, however, the rate of interest to which the creditor is entitled is, by contract, law or custom greater or less, than the 5 per cent. allowed by the Treaty, a note to that effect should be made in the schedule and upon the copy of the creditor's account which accompanies it.

13. The pre-war rate of exchange referred to in Article 296 (d) for conversion of German into British currency, is Marks 20.5075 equals £1. When the currency in the Colony or Protectorate differs from that in Great

(12)

Britain, the pre-war rate of exchange must be calculated by the Local Controller, and is defined by the Treaty as the average cable transfer rate prevailing between Germany and the Colony or Protectorate during the month immediately preceding the outbreak of war, *i.e.*, from the 4th July to the 4th August 1914. Creditors should be advised by Press notice, of such rate.

14. In cases where the accounts have been rendered in German currency, the claim must be stated in Colonial currency, both in the body of the declaration and in the schedule. The particulars endorsed on the back of the proof or exhibited thereto should, however, accord with the account as rendered to the German creditor, with a note at the foot shewing the details of conversion.

15. It is recommended that on receipt of either a debtor or creditor claim, it should be given a serial number and a separate file or jacket opened for each. Where one creditor has two or more debtors whilst the creditor's number remains constant, that of the debtor varies. To avoid confusion with the Central Office Registry the name of the Colony or Protectorate should also be used. To illustrate this:—John Brown has three debtors—Schmidt, Schneider and Blumenthal, and assuming that the local Clearing Office is in British Guiana, and that Brown's serial number is "I" then the registry number of Brown will be "British Guiana I," of Schmidt "British Guiana I-1" of Schneider "British Guiana I-2" and of Blumenthal "British Guiana I-3". These numbers will be adopted by the Central Office in all communications both with the local Controller and the German Clearing Office.

16. It must be understood that all detail work in connection with the admission or rejection of debts and claims comes within the province of the local Controller, who, for this purpose has vested in him by the terms of the Treaty "all the functions of a Central Clearing Office". As already pointed out, the only limitation upon the powers of a Local Office are that "all transactions with the Clearing Office of an Opposing State must be effected through the Central Clearing Office". Whilst, therefore, the Central Offices will always be prepared to assist the Local Office in an advisory capacity, in all other respects, and subject to the above Treaty limitation, the local Controller will alone be responsible for the discharge of the duties of his office.

17. The following regulations have been framed by the Central Office to meet cases of doubt or difficulty which have arisen in the course of administration. Their adoption by local Controllers is invited in order to secure uniformity of practice.

Communication between debtor and creditor.

18. Paragraph 4 (a) of Article 296 prohibits all communications between debtors and creditors with regard to the settlement of their debts except through the Clearing Office. In many cases, however, it will be found that direct intercourse is necessary or desirable. The Treaty of Peace Order vests in the Clearing Office the right to allow such intercourse but this right can only be exercised by agreement with the German Office. The matter is the subject of discussion with the German Controller designate and it is hoped that an arrangement will be come to with him on the point. At present, therefore, permission to communicate, for the purposes stated, must be refused.

Cross Claims.

19. It frequently happens that British Nationals who are debtors to Germans have also claims against other Germans. It is clear that the ordinary rules of "set off" do not apply to such cases, but it is recognized that to at once enforce payment of the debt whilst liquidation of the claim must necessarily be deferred for some considerable period, might seriously inconvenience British debtors. To obviate this hardship, the Central Office, as a matter of indulgence, has introduced the practice of agreeing to the postponement of payment by the British debtor upon the terms of the arrangements set out in the annexed

memorandum headed "Contra Account". If the claim is ultimately rejected by the German Clearing Office, the Controller will at once enforce payment of the debt, and attention is drawn to the fact that the admission of liability, which it will be seen constitutes the consideration for the postponement, will enable the Controller to issue a "certificate of admission" which under paragraph I (iv) of the Treaty of Peace Order, 1919, may be registered as a judgment.

Cash Discounts.

20. Where under the terms of the contract between debtor and creditor, cash discount is allowed, it may be deducted by the debtor and the Treaty interest will only run from the date when the account became net.

Mixed Partnerships.

21. Where a firm consists of British Nationals and Aliens, the proportionate interest of the British National must be ascertained and only the amount of the debt attributable to such share should be paid or admitted—*e.g.*, a firm consists of three partners :—

A.—A British National

B.—An American, and

C.—A German.

The firm is owed by a German National, £ 900, A's share in the capital is $\frac{1}{3}$ rd—the debt would only be admissible for £300 and as to the balance the firm would be left to their pre-war remedies. The Controller requires the firm to produce a certificate by a qualified accountant of the share of the British National, as evidence of the fact.

Companies.

22. The nationality of a Company is determined by the country in which it is incorporated—the nationality of the foreign branch of a Company is that of the Head Office.

Claims against German debtors not resident in Germany.

23. Debts due by persons resident on the 10th January 1920, in territory detached from Germany by the terms of the treaty, for example Alsace and Lorraine, the German Colonies, parts of East Prussia, etc., cannot be claimed through the Clearing Office. In such cases creditors are entitled to collect their debts direct from such debtors.

Property of British Nationals in German Territory.

24. Persons are entitled to recover their property, (other than debts or cash assets) in enemy territory so far as the same have not been transferred to a purchaser.

Germans State and Corporation Bonds.

25. The capital value of shares, bonds or other securities issued by the German State or German Corporations, does not constitute a debt within Article 296 of the Treaty of Peace, unless such shares, bonds or other securities, fell due to be paid off prior to or during the war. If such securities were not due to be paid off prior to or during the war, the persons entitled to them continue to be the holders. The dividends on such bonds and securities are however within the provisions of Article 296, in so far as such dividends accrued due and became payable before or during the war, and the Proof of Claim may include all dividends of which the due date was before the 10th January 1920.

Life Policies.

26. Overdue Premiums on Life Policies do not constitute a "debt," nor can the surrender value of Policies, unless actually payable prior to the 10th January 1920, be claimed through the Clearing Office. They however come within the description of "property rights and interests", in Article 297, and as such are charged in favour of various classes of British creditors.

Proof of Claim.

27. A separate Proof of Claim must be made in respect of each debt. The Account at the back of the Proof or exhibited thereto must contain full particulars of the claim. If however detailed invoices had been delivered prior to the war the date and the amount of each of such invoices need only be stated. *It is of the utmost importance that triplicate copies of these accounts should accompany the schedule when forwarded to the Central Office as failure to observe this rule will inevitably lead to delay in admission and payment of a claim.*

55DC

This Statutory Declaration must be declared before a justice of the peace, notary public, or other officer by law authorised to administer an oath.

A.

THE TREATY OF PEACE ORDER, 1919.

Proof of Claim.

General Form.

(a) Here insert the full name and address of Enemy Debtor in Enemy Territory. RE (*)

(b) Fill in full name, address, and occupation of declarant. I (b)

of

in the Country of

, solemnly and sincerely declare as follows:—

(c) That I am duly authorised under the seal of the company hereinafter named, to make the proof of claim on its behalf.

That the above-mentioned Debtor to the best of my knowledge and belief *is and has } at all material times been German national resident in Germany.
are and have }

That* { the undermentioned Creditor { is }
I { are } am } British national resident in the United Kingdom.

That the said Debtor w , at the date of the declaration of War, viz.:—the 4th day of August, 1914, and still justly and truly indebted to (e)

or since became so indebted by reason of an obligation incurred prior to such date, in the sum of Pounds
Shillings and Pence for (f)

Debt £ : :
Contra £ : :

£ : :

NOTE THIS.

(f) State consideration [as— Goods sold and delivered by me] [and my said partner] to him [or them] at his [or their] request between the dates of [or monies advanced by me in respect of the undermentioned Bill of Exchange] or as the case may be.

(g) "My said partners or "any of them" or "the above-named Creditor," as the case may be

(h) "My" or "our" or "their" or "his" as the case may be.

(i) Here state the particulars of all Securities held, and where the Securities are on the property of the Debtor, assess the value of the same, and if any Bills or other Negotiable Securities be held, specify them in the Schedule.

N.B. Bills or other Negotiable Securities or documents proving the Claimant's Title must be produced or their non-production accounted for to and allowed by the Controller before the proof can be admitted.

Admitted for payment for

£ : :
this day of 19 .

Controller of the Clearing Office.

Rejected for
£ : : :

Controller of the Clearing Office.

as shown by the* { Account endorsed hereon
Account hereto annexed, marked "A" } for which sum or any part thereof I say that I have not nor hath (g) or any person by (h) order to my knowledge or belief for (h) use had or received any manner of satisfaction or security whatsoever, save and except the following (i):—

Date.	Drawer.	Acceptor.	Amount.	Due Date.

And I make this declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared at
in the country of
this day of 19 ,
Before me

Declarant's
Signature

Note.—This Declaration must bear a 2s. 6d. Stamp.

The nature of an obligation in respect of which a Claim may be preferred may be ascertained by reference to the Treaty of Peace Order, 1919, and Article 296 (enclosed herewith) of the Treaty of Peace scheduled thereto which were published in the London Gazette of the 24th October, 1919 and are also issued as a separate publication.

Particular attention is drawn to the provisions of such Order and Treaty relating to the penalties incurred by a person who prefers a false or excessive claim.

YOU SHOULD ATTEND OTTENCAREFULLY TO THESE DIRECTIONS.

Chl.

B.

THE CLEARING OFFICE (Enemy Debts).

Notice to Claimant to prove

No.

Please address your reply to :—

The Controller of the Clearing Office

..... 19

Telegrams :

Telephone :

Re CLAIMS AGAINST GERMAN DEBTORS.

With reference to your claim (or claims) against German nationals, of which you have given notice to the Public Trustees, I am directed by the Controller of the Clearing Office to inform you that, before any such claim can be dealt with, it must be verified by separate statutory declaration. For this purpose a Form of Proof is enclosed in respect of each such claim, which should be completed without delay, and returned to the Controller at the above address.

Three extra copies of the account endorsed on or exhibited to the proof of claim must accompany it when sent in to this Office.

Your particular attention is drawn to the fact that only claims by British subjects resident in against German subjects resident in Germany or corporations incorporated in accordance with German law and resident in Germany come within the provisions of the Treaty of Peace Order and are eligible for payment thereunder ; should any portion of your claim not come within this description verification of such portion is not at present required.

The debts in respect of which a claim may be made are defined in Article 296 of the Treaty of Peace (a copy of which Article is enclosed), and paragraph 22 of the Annex to such Article states the cases in which interest is payable, and provides that the rate of interest shall be 5 per cent. per annum except in cases where, by contract, law or custom the creditor is entitled to payment of interest at a different rate, in which case the rate to which he is entitled shall prevail, such interest runs from the date of commencement of hostilities or, if the sum of money to be recovered fell due during the war, from the date at which it fell due.

A commission of per cent. will be chargeable on all claims paid.

In all communications to the Controller relating to a claim you are particularly requested to quote the reference number at the head of the form of proof, and also the name of the German national concerned.

I am,

Your obedient Servant,

..... 19.....

F.

(x) (64624) wt. 28233-2428 6000 11-19 W. B. and L. Acknowledged as received by G. C. O..... 19.....

NUMBERS.		Date Claim registered with Public Trustee.	Name of English Creditor.	Name and Address of German Debtor.	Amount of claim.	Proofs Register Number.	Reference to Admitted and Rejected Book.
Serial.	Public Trustee's.						

Contra Account.

The question of "Set Off" in cases where British nationals are indebted to Germans, and also have claims against other German nationals, has been considered.

It is clear that the ordinary rule of "Set Off" does not apply, as the amounts are not due to and from the same individuals, but, as your debt has been duly registered with the Public Trustee, you will not, up to the amount of the debts due to you from German nationals which you have already registered with the Public Trustee, be required to make immediate payment of your debt, provided that the following conditions are complied with :—

You are to forward at once to the Controller an admission of your debt, or debts, and, if you have not already done so, a proof or proofs of your claim against your German Debtor or Debtors, and to undertake, if such proof or proofs is or are not admitted in full, to pay the amount of your admitted debt to the Controller, together with interest on such debt at the rate payable under the Treaty of Peace.

I am further to point out that in the final adjustment of your account it will be necessary to debit you with the $2\frac{1}{2}$ per cent. commission provided for by Section 1 (vi) of the Treaty of Peace Order upon the full amount of your claims against German nationals eventually admitted or found due, irrespective of your debt to German nationals.

Form of return to be made by those called upon to pay to the Clearing Office the amounts they owe to Germany : but who, having in addition claims against German nationals desire to deduct such claims from the total otherwise payable to the Clearing Office.

Total payable to the Clearing Office ... £
per Schedule "A."

Deduct claims against German nationals ... £
per Schedule "B."

Amount to be remitted to the Clearing Office ... £

Schedule "A."

Reference No. upon official application.	Name of German Creditor.	Amount of Debt.	Interest.	Total.
		Carried above ...		

Schedule "B."

Reference No. upon proof of claim.	Name of German Debtor.	Amount of Debt.	Interest.	Total.
		Carried above ...		

NOTE.—Proofs in support of Schedule "B" must be attached.

55DC—90—27-4-20—GCPS

Enclosure No. 2.

FORM OF SPECIMEN QUESTIONS.

Questions to be answered by a non-enemy national who is applying for the refund of assets of liquidated property.

1. What is your name ?
2. What changes (if any) have you made in your name ?
3. In what country is your habitual residence ?
4. In what place and country were you born ?
5. In what place and country was your father (or if you are illegitimate your mother) born ?
6. In what country had your father (or if you are illegitimate your mother) ^{his}_{her} habitual residence at the time of your birth ?
7. In what country had your father (or if you are illegitimate your mother) ^{his}_{her} habitual residence at the time you attained your majority by the law of such country ?
8. What was your father's (or if you are illegitimate your mother's) nationality at the time of your birth ?
9. What was your father's (or if you are illegitimate your mother's) nationality at the time you attained your majority by the law of the country in which your father (or if you are illegitimate your mother) was then habitually resident ?
10. What was your original nationality ?
11. By the law of what country do you claim this original nationality ?
12. Were you of another original nationality by the law of any other country ?
If so state what this other original nationality was and name the law which imposed it.
13. What (if any) subsequent changes took place in your nationality ?
14. Under what circumstances and by the laws of what countries did these changes take place ?
15. Does the country of which you were originally a national still regard you as such ?
16. If you claim your present nationality by the Peace Treaties under which Treaty and which Article or Annex do you claim ?
17. If you claim that you opted under an article or annex which permits of option when, where and how did you opt ?
18. Have you fulfilled the conditions (if any) attached to the option ?
19. If you claim under an article or annex which requires in your case the express recognition or permission on the part of the State of which you now claim to be a national, when, where and how was this express recognition or permission given ?

Enclosure 3.

Form of Application for restitution to non-enemy nationals of assets, held by Custodian of Enemy Property.

1. Full Name (of individual, firm or company).
2. Nationality.
3. List of attached papers by which the nationality claimed is proved :—
 - (1)
 - (2)
 - (3)
4. Details of the assets, in charge of the Custodian claimed.

Description of assets.	Estimated value, when taken into Custodian's charge.
------------------------	--

5. List of attached papers by which your title to the assets claimed is proved—

(1)

(2)

(3)

6. To whom do you wish that the assets should be restored or the proceeds of any liquidated assets paid over.

7. By what method would you prefer any money due to you to be remitted.

I certify that the details furnished above are true, and that I am the sole and undisputed owner of the assets detailed in paragraph 4, and I undertake to indemnify Government for any loss to which it may be put on account of paying to me at my request any money to which I am not entitled.

Signature_____

Date_____

Place_____

Witnesses_____

28/7/20

SUBJECT.....
.....
.....

Diary No. of letter replied to.....

Section *PD.*
File No. *53.19*
Serial No. *24*

GENERAL AND REVENUE SECRETARIAT,
()
, the 191 .

No. *427149* *me*

Date of issue..... *9/6*

Signed by..... *W B M*

To

*The Revenue Commissioner +
Custodian of Enemy Properties in
Mysore*

Hi,

*I am directed to forward
herewith for information a
copy of letter no 15058 28.4.1920
from the Secretary to the Govt of
India Department of Commerce
re the disposal of the property
of non-enemy nationals now
held by the several custodians.*

over.

*To be kindly returned
with your reply.*

of enemy property.

I am to request you ^{to kindly}
to submit a report to Govt. Classifying
such properties ~~as~~ as indicated
in the letter of the Govt. of India, such
properties vested in you from
time to time, stating also
how ^{exactly} you propose to dispose
of cases which may be disposed
of by you.

I have etc

^{MS}
^{21/5}
Inchipseey

Ans
21.5.20.

VS

List of enclosure

Copied by

Examined by

SUBJECT.....

25

Diary No. of letter replied to.....

Section *PR*File No. *53-19*Serial No. *27*

GENERAL AND REVENUE SECRETARIAT,

()

, the

191

Pol. No. *1312*Date of issue..... *4-6-1920*

To

*The F.A. Resident*Signed by..... *Wm. A. V. Ramaswami*

Sir,

I am directed to request you kindly to forward ^{if available} send another copy of letter no 1505 of 28.4.1920 from the Secy to the Govt of India, Department of Commerce, ~~is~~ sent with your memo no: 4398 of 19.5.20.

I have etc

over.
21/5
For Secy
Ans
21.6.20
15

12 JUN 1920

CHIEF SECRETARY
II
POLITICAL BRANCH.
11 JUN. 1920

Encl:- 1.

No. 4977

R. O. 2:-R. P. B.-2-1920.-5000.

FILE NO.

RECEIVED

28

26

FROM

MAJOR C. T. C. PLOWDEN, I. A.,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

TO

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Dated Bangalore, 10th June 1920

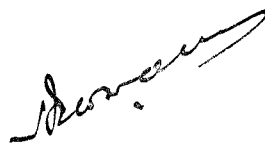
SIR,

With reference to your letter Pol. No. 1312, dated the 4th June 1920, I am directed to forward another copy of letter No. 1505, dated the 28th April 1920, from the Secretary to the Government of India in the Department of Commerce, regarding the disposal of the property of non-enemy nationals now held by the Custodians of Enemy Property.

I have the honour to be,

Sir,

Your most obedient servant,



FIRST ASSISTANT RESIDENT.



CVV.

No. *C.4725/19-20* Bangalore,.....14th June 1920.....*one* *76* *(27)*

FROM

20946

DIARY No.

Sl. No.	<i>m</i>
Date	<i>53-19</i>
To	<i>30</i>

K. R. Srinivasiengar Esq., M.A.,

Revenue Commissioner in Mysore. &
Custodian of Enemy Property
in Mysore.

Chief
The Secretary to the Government of
His Highness the Maharaja of Mysore.

Department.

SIR,

I have the honour to acknowledge the receipt of your letter No. G.27149/P.P.53-19-24 (without date) conveying instructions in the matter of the disposal of the property of non-enemy nationals now held by the several Custodians of Enemy Property and to state as follows:--

2. There are no cases of property belonging to "non-enemy nationals" vested in me.

3. As already reported to Government in this office letter No. D.Dis.456 Gl.19-20 dated 5th December 1919, there are two cases of property belonging to hostile foreigners. I request that instructions in the matter of the disposal of these properties may be kindly obtained and communicated to me.

4. The enclosure to your letter is returned herewith.

I have the honour to be,

Sir,

Your most obedient servant,

In accordance

Revenue Commissioner.

M.B.N.

EV

R. C. 4.

POLITICAL BRANCH
18 JUN. 1920

From
33568

K.R. Srinivasiengar Esq., M.A.,

*Revenue Commissioner in Mysore &
Custodian of Enemy
Property in Mysore.*

To

Chief

The Secretary to the Government of

H. H. the Maharaja of Mysore,

~~Deputy~~

Dated Bangalore, 14th June 1920

Despatched

Received

General No.

Enclosure No.

SUBJECT.

Re: the disposal of the
property of non-enemy nationals
now held by the several Custodians
of Enemy Property &c.

MS
1876

G. L. S. VI—G/52]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section *DD*
File No. *53-49*
Serial No. *33*

GENERAL AND REVENUE SECRETARIAT

()
, the 191 .

No. *28423*

Date of issue..... *29/6*

Signed by..... *W B K*

To

The Revenue Commis-
sioner and Custodian
of Enemy Property in
Mysore

Sir

With reference to
your letter No. C 4725
/GL 19-20 dated 14/6-620
I am directed to state
that the two bungalows
at Kudremukh referred
to therein are vested

over.

8/5/6

26
In the Custodian of
enemy properties
in Madras,

I have the honour

^{ms}
^{16/6}
Chief Secretary

msk
26-6-20

VB

List of enclosures.

Copied by

Examined by

19668

Ref 179

DIARY NO. 1882

inc: 2.

32/7

No. 6572

CHIEF SECRETARY
POLITICAL BRANCH
31 JUL 1920

MYSORE RESIDENT'S OFFICE,

Bangalore; 31st July 1920

PP

53. 6

-37

each
A copy of the marginally* noted letters, with enclosure, is forwarded with compli-
(1)*No. 3729 dated 5th July 1920, to the Chief Secretary to the Govern- (ments
from the Government of India, Department of Commerce. ment of His Highness the Maharaja of Mysore
(2) No. 1067/6M-53, dated 4th June 1920, from for information in continuation of endorse-
the Revenue Secretary to ment from this office No. 4398, dated the
the Government of Burma, 19th May 1920.
Miscellaneous Department.)

First Assistant Resident.
10/3 28/7.

R. O. 178. (a).—R. P. B.—4-1920.—3,000.

BJ

Letter No. 3729, dated the 5th July 1920, from the Deputy Secretary to the Government of India, Department of Commerce, to the Government of Burma, Miscellaneous Department.

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20

I am directed to acknowledge the receipt of your letter No.1067/6M-53, dated the 4th June 1920, relating to this Department letter No.1505, dated the 28th April 1920, on the subject of the payment of the claims of non-enemy subjects.

2. The Government of Burma represent that some difficulty is being experienced in the preparation of the lists (a) of assets which are to be placed at the disposal of the Clearing Office, and (b) of assets to be distributed direct by the Custodian, referred to in this Department letter, as neither the Custodian nor the local Government is in a position to determine what enemy subjects, whose property is vested, may or may not have acquired non-enemy nationality. They also point out that difficulty may possibly arise if a person whose assets have been paid into the Clearing Office, subsequently establishes a claim to be of non-enemy nationality. They therefore request that instructions may be issued for the guidance of the Local Government and the Custodian as to the correct procedure to be adopted in the preparation of the lists.

3. In reply I am to say that the Government of India understood that several applications had been received from non-enemy subjects for the refund of their money and that more applications from such persons were expected. This Department letter was therefore issued to enable Custodians and Local Governments to dispose of applications which had come in or which may come in within one year of the date of the ratification of the Peace Treaties. Such applications might if necessary be expedited by the publication of a notice calling for claims before the specified date. It is considered that the Custodians would be able to prepare the lists referred to from the applications received by them, and it is not intended that they should themselves decide the nationality of persons whose money is held by them when no application for refund is made. It will be

be observed that companies or firms incorporated in an enemy country are enemy nationals, and that the claims of non-enemy subjects against such companies or firms can only be disposed of through the Clearing Office. The presumption in the last sentence of your letter that in the absence of a claim by a non-enemy subject it may be assumed that former enemy owners of property vested in the Custodian continue to retain the nationality of the State to which they belonged prior to 4th August 1914, is therefore correct.

4. As regards the difficulty anticipated in connection with money transferred to the Clearing Office, I am to say that office will exist for at least two years. Arrangements will therefore be made for the refund of money direct to persons whose claims are considered to be valid subsequent to the transfer of the assets to the Clearing Office.

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"C O P Y"

Copy of a letter No. 1067/6 M-53, dated Maymyo, the 4th June 1920,
from P. E. Jamieson, Esq., I.C.S., Revenue Secretary to the Government
of Burma, Miscellaneous Department, to the Secretary to the Government
of India, Department of Commerce.

302

---:0:---

I am directed to invite a reference to your letter No. 1505 of the
28th April 1920 addressed to the Chief Secretary to this Government.
Under the orders conveyed in that letter, the Custodian of Enemy Pro-
perty has to make out two lists (a) assets which are to be placed at the
disposal of the clearing office, and (b) assets to be distributed direct
by the Custodian. I am to represent that some difficulty is being
experienced in the preparation of these two lists, as neither the Custo-
dian of Enemy Property nor the Local Government is in a position to
determine what enemy subjects, whose property is vested in the Custodian,
may or may not have acquired non-enemy nationality in consequence of the
~~Peace~~ Peace Treaties. I am to point out that difficulty may possibly
be experienced if a person whose assets have been paid into the
clearing office subsequently establishes a claim to be of non-enemy
nationality. As an instance of the difficulties that may arise, I am
to refer to the case of Mr. R. G. Muller, a former Austrian subject who
now claims to be of Roumanian nationality and whose case has been
referred for the orders of the Government of India in this Government's
letter No. 116 M of the 6th May 1920. I am accordingly to request that
the Government of India may be pleased to issue instructions for the
guidance of the Local Government and the Custodian of Enemy Property as
to the correct procedure to be adopted in the preparation of these lists.
I am to ask whether in the absence of any definite claim by a non-enemy
subject such as that made by Mr. Muller, it may be assumed that former
enemy owners of property vested in the Custodian continue to retain the
nationality of the State to which they belonged prior to August 1914.

---:0:---
"C O P Y"

V. R. Menon

REGISTRAR, RESIDENT'S OFFICE.

WB 28/7

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE SECRETARIAT.

Dated Bangalore, 7/8/1920

each of-

A copy of the marginally noted letters

(1) No. 3729 W 5-7-20 from
the Govt. of India.

(2) No 1067/6 M. 58 W
4-6-20 from
the Rev. Secy to
the Govt. of Burma.

is forwarded with compliments to the
Custodian of Enemy Property
in Mysore
for information in continuation
of this office's L.O. 27149/
H.P. 53-19-24 W 9-6-20

By Order,

MC
4/8/20

For Chief Secretary to Govt.

VS 2